

AN ORDINANCE AMENDING MILLVILLE CODE CHAPTER 61 ("STREETS AND ROADS") TO REPEAL ARTICLES IV THROUGH VIII PERTAINING TO WASTE DISPOSAL AND COLLECTION AND TO ENACT NEW CHAPTER 62 ENTITLED "SOLID WASTE AND RECYCLING" IN ORDER TO CREATE A SOLID WASTE UTILITY AND TO STREAMLINE REGULATIONS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES, CONSTRUCTION AND YARD WASTE

WHEREAS, the Board of Commissioners finds that the cost of collecting, hauling and disposing of solid waste and recyclables is consuming an ever-increasing portion of the municipal budget; and

WHEREAS, the Board of Commissioners finds that municipalities throughout the state have experienced difficulty in receiving proposals from waste haulers in response to RFP's for trash collection and disposal services; and

WHEREAS, the Board of Commissioners finds that many municipalities in reaction to this problem, including our neighboring cities of Vineland and Bridgeton, have enacted legislation assessing fees for the collection and disposal of solid waste and recyclables; moreover, the City of Vineland has established a Solid Waste and Recycling Utility; and

WHEREAS, the Board of Commissioners finds that it is a necessary cost measure to establish a Solid Waste and Recycling Utility and to assess a solid waste service charge for the collection and disposal of solid waste and recyclables; and

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that Millville City Code Chapter 61 ("Streets and Roads Department") is hereby amended so as to repeal Articles IV ("Collection and Disposal of Solid Waste"), V ("Source Separation of Recyclable Materials"), VI ("Debris from Construction, Renovation and Demolition"), VII ("Yard Waste") and VIII ("Residential Complexes") and that new Chapter 62 is hereby enacted as follows:

Section One

Chapter 61

SOLID WASTE AND RECYCLING; OTHER WASTE

ARTICLE I

Definitions

§ 61-1 Definitions; word usage.

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning.

B. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

BATTERY- Any device consisting of one or more electrically connected electrochemical cells that is designed to receive, store and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode and electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term "battery" also includes an intact, unbroken battery from which the electrolyte has been removed.

BULKY WASTE- Any large items of solid waste which, because of their size or weight, require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such household items as white goods, furniture and mattresses. Bulky waste shall not include tree trunks, auto parts, or construction and demolition waste.

BRUSH- Any branches, woody plants and other like vegetative material. Leaves and grass do not constitute brush.

CITY-ISSUED SOLID WASTE AND RECYCLABLE CONTAINERS- City-issued sixty-four- and ninety-six-gallon plastic containers identified by numbers thereon are and shall remain the property of the City and assigned to such residential properties subject to solid waste and recyclables pickup by the City, referred to as "totes" and are not to be defaced or removed from the property to which they are assigned. Solid waste totes are identifiable as being blue in color and recyclable totes are identifiable as being blue and having an orange lid.

COLLECTION or COLLECTING- The act of picking up solid waste at its point of generation or storage.

COMMINGLED- Any combining of nonputrescible source-separated recyclable materials for the purpose of recycling.

CONSTRUCTION AND DEMOLITION WASTE- Any waste building material and rubble resulting from construction, renovation, remodeling, repair or demolition operations on houses, commercial buildings, pavements and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts, tree stumps and brush; concrete, asphalt, bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; ferrous and nonferrous metal; nonasbestos building insulation; plastic scrap; dirt; carpets and padding; glass (window and door); and other miscellaneous materials; but shall not include other solid waste types.

CONTAINER- Any closable and disposable trash bag, in which material is stored, transported, treated, disposed of or otherwise handled. Only grass clippings and leaves may be placed in such containers for City pickup.

CONTAINERIZED YARD WASTE- The placement of yard waste in a bag or so as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

COVERED PROJECT- Any construction, renovation, remodeling, repair or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on premises for the purpose of placement of solid waste materials.

CURBSIDE DESIGNATED RECYCLABLE MATERIALS- All colored and clear glass food and beverage containers with the lids removed and rinsed of any material. Metal caps and lids, aluminum, tin, and metal food and beverage containers, empty aerosol containers, Plastics with recycling symbol numbers "1" and "2," including soda, milk, water, detergent, shampoo and other similar containers, soup and broth containers non-cardboard (all lids removed and rinsed of any material), all newsprint, magazines, catalogs, glossy inserts, unwanted mail, empty cereal, cracker, pasta, tissue boxes, brown paper bags, all corrugated cardboard boxes (flattened to fit into totes) and all similar items referred to as "Class A" recycling materials.

CURBSIDE DESIGNATED SOLID WASTE- All household-generated garbage, refuse and household vegetative materials such as cut grass and single-use plastic bags.

DESIGNATED RECYCLABLE MATERIALS- Any materials designated within the 2007 Cumberland County Solid Waste Management Plan Update to be source separated for the purpose of recycling. These materials include glass jars and bottles; aluminum beverage cans; steel, tin, and bimetal food containers; PET#1 and HDPE#2 plastic containers; newspaper; mixed paper/magazines; white goods; leaves and branches; empty aerosol containers; and universal wastes (i.e., used oil; antifreeze; lead-acid batteries; asphalt; concrete, block, and brick; and tires) for the residential sector. These materials further include aluminum beverage cans; glass jars and bottles; PET#1 and HDPE#2 plastic containers; high-grade paper; corrugated cardboard; food waste; mixed paper/magazines; materials unique to an industry; empty aerosol containers; electronic waste; and universal wastes (i.e., fluorescent light bulbs/ballasts; mercury switches/thermostats; used oil; antifreeze; lead-acid batteries; asphalt; concrete, block and brick; ferrous scrap; nonferrous scrap; tires; and white goods) for the commercial, industrial and institutional sector.

ELECTRONIC WASTE- Any appliance used in a home or business that utilizes circuitry, including but not limited to, any computer central processing units and associated hardware, such as keyboards, modems, printers, scanners, copiers and fax machines; VCRs; stereos; cathode ray tubes, cathode ray tube devices, flat-panel displays or similar video display devices with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards (e.g., televisions); and telecommunication devices (e.g., cell phones); and microwaves.

FOOD WASTE- Any food processing by-products (food-processing vegetative wastes and/or food-processing residuals generated from food processing and packaging operations or similar industries that process food products), vegetative waste (produce trimmings and over-ripe produce generated by supermarkets, produce brokers and produce distributors), off-spec food products, food product over-runs, and similar food waste materials.

GARBAGE- Any meat and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods. Garbage is considered to originate primarily in kitchens and other places where food is stored, cooked and consumed.

GENERATION- The act or process of producing solid waste.

GLASS- Any product made from silica or sand, soda ash and limestone, the products being transparent or translucent and being used for packaging or bottling of various matter, including clear, brown and green glass food and beverage containers, and excluding blue and flat glass and glass commonly known as "window glass."

LITTER- Any solid waste which, if thrown, deposited or carried by wind or water, as herein prohibited, tends to create a danger to public health, safety and welfare and to contribute to an image of blight. Litter includes any used or unconsumed substance or waste material that has been discarded, whether made of aluminum, glass, plastic, rubber, paper or any other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can; any top, cap or detachable tab of any bottle, jar or can; any cigarette, cigar, chewing tobacco or matches, or parts thereof; handbills; newspapers or magazines; glass, metal or paper containers or other packaging; or construction materials. For purposes of this chapter, litter does not include the waste of the primary processes of mining or other extraction activities, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE- Any container suitable for the depositing of litter.

METAL- Any metal food or beverage container, including aluminum, steel, tin and bimetal containers.

MULTIFAMILY PROPERTY- For purposes of this chapter, any building or structure, or complex of buildings, in which three or more dwelling units are owner-occupied or are rented or leased, or are offered for rental or lease, for residential purposes, and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined in N.J.S.A. 55:13A-1 et seq.

MUNICIPAL RECYCLING COORDINATOR- The person or persons appointed by the governing body authorized to, among other things, enforce the provisions of this chapter, and any rules, regulations or policies that may be promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM- Any solid waste generated at residential, commercial, industrial or institutional establishments within the boundaries of the City.

PERSON- Any individual, trust, firm, joint-stock company, corporation (including a government corporation), corporate official, partnership, association, commission, or political subdivision of this state subject to municipal jurisdiction.

PLASTICS- Any clear or green plastic (PET) soda containers or plastic (HDPE) milk or water containers (jugs).

PUTRESCIBLE WASTE- Any waste liable to enter into a state of putrefaction, the typically anaerobic splitting of proteins by bacteria and fungi with the formation of foul-smelling, incompletely oxidized products.

RECYCLABLE MATERIALS- Any materials which would otherwise become nonhazardous solid waste, which can be separated, collected, and/or processed, and then returned to the economic mainstream in the form of raw materials or products.

RECYCLING- Any process by which materials, which would otherwise become solid waste, are separated, collected and/or processed, and then returned to the economic mainstream in the form of raw materials or products.

REFUSE- All broken crockery, glassware, household receptacles and utensils, bottles, tin cans, lawn cuttings, hedge trimmings, garden growth, old clothing and such similar waste materials, including paper, cardboard or containers made of paper.

SCRAP METAL- Any bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that can be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars) which when worn or superfluous, can be recycled. Materials not covered by this term include residues generated from smelting and refining operations (e.g., drosses, slags, and sludges), liquid wastes containing metals (e.g., spent acids, spent caustics, or other liquid wastes with metals in solution), liquid metal wastes (e.g., liquid mercury), or metal-containing wastes with a significant liquid component, such as spent batteries.

SHOPPING CENTER- For purposes of this chapter, any integrated development of stores, shops, personal service establishments, professional and business offices, banks, post offices, restaurants, auditoriums and similar facilities, housed in an enclosed building or buildings, and utilizing such common facilities as customer parking,

pedestrian walkways, truck-loading and -unloading space, utilities and sanitary facilities.

SINGLE-STREAM RECYCLING- The placement of all recyclable materials in a single container. For purposes of recyclables to be collected by the City, all curbside designated recyclable material shall be placed in the City-issued recyclable containers.

SOLID WASTE- Any garbage, refuse, sludge or any other waste material, as defined in N.J.A.C. 7:26-1.6, with the exception of the following:

(1) Source-separated food waste collected by livestock producers, approved by the State Department of Agriculture, who collect, prepare and feed such wastes to livestock on their own farms.

(2) Recyclable materials that are exempted from regulation pursuant to N.J.A.C. 7:26A.

(3) Materials approved for beneficial use or categorically approved for beneficial use pursuant to N.J.A.C. 7:26-1.7(g).

(4) Spent sulfuric acid which is used to produce virgin sulfuric acid, provided at least 75% of the amount accumulated is recycled in one year.

(5) Dredged material, from New Jersey's coastal or tidal waters, which is regulated under the provisions of the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), Waterfront Development Law (N.J.S.A. 12:5-3 et seq.), Riparian Interests (N.J.S.A. 12:3-1 et seq. and 18:56-1 et seq.), Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.), Federal Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and/or other relevant statutes and implementing regulations.

SOLID WASTE AND RECYCLING UTILITY- An administrative department created to transact the collection and disposal of eligible solid waste, including designated recyclable materials, and related support services, as provided by law. Said solid waste and recycling utility is assigned as a function of the Department of Public Works.

SOURCE-SEPARATED RECYCLABLE MATERIALS- Any recyclable materials that are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION- Any process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purpose of recycling.

SPENT MATERIAL- Any material that has been used, and as a result of contamination, can no longer serve the purpose for which it was intended without being processed, reprocessed or reclaimed.

STREET- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way that is an existing state, county or municipal roadway, and includes the land between the street (right-of-way) lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street (right-of-way) lines.

SURFACE WATER- Any water at or above the land's surface which is neither groundwater nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands and artificial waterbodies.

TIRES- All passenger car tires and noncommercial truck tires having a rim diameter of 20 inches or less, exclusive of rims or other attachments. The definition of tires that may be placed at the curbside for collection pursuant to this chapter shall be as set forth in the rules and regulations established by the Superintendent of Public Works in accordance with the authorization provided under this chapter.

TRANSPORTATION or TRANSPORTING- The act of collecting and/or moving of solid waste off site or to a solid or hazardous waste facility by road, rail, water or air.

USED OIL- Any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use, storage or handling, is contaminated by physical or chemical impurities.

WASTEPAPER PRODUCTS- Any uncontaminated newspapers.

WHITE GOODS- Any and all large, residential (noncommercial) appliances, limited to refrigerators, clothes washers and dryers, ranges, dishwashers, water heaters, air conditioners, trash compactors, freezers and dehumidifiers, and not including furnaces.

YARD WASTE- Any grass clippings, leaves or wood chips from trees and brush. Stumps of trees or bushes are specifically excluded from the definition of yard waste.

ARTICLE II

Solid Waste and Recycling Utility

§ 61-2 Creation of Solid Waste and Recycling Utility.

A Solid Waste and Recycling Utility is hereby created to transact the collection and disposal of eligible solid waste and recyclable materials as defined herein and related support services, as provided by law.

B. Said solid waste and recycling utility is assigned as a function of the Department of Public Works.

§ 61-3 Properties subject to municipal collection.

A. The cost of collection and disposal of eligible solid waste, including designated recyclable materials, and related support services shall be raised, as herein provided, by billing only residential properties of 10 or fewer dwelling units. To further explain, all property within the City shall be subject to municipal collection, with the exception of the following:

- (1) Business properties.
- (2) Commercial properties (e.g., restaurants, stores).
- (3) Industrial properties (e.g., warehouses, factories).
- (4) Residential properties of more than 10 dwelling units.
- (5) Mobile home parks.
- (6) Condominiums of more than 10 dwelling units.
- (7) Vacant lots or vacant lands.
- (8) Any and all other nonresidential properties except those operated by a non-profit entity.

B. No solid waste shall be collected from the above-listed properties, nor shall any part of the cost of collecting and disposing of solid waste be billed to these properties.

§ 61-4 Solid Waste and Recycling Utility budget.

A. The Solid Waste and Recycling Utility shall be self-liquidating with a dedicated budget as provided by N.J.S.A. 40:A4-34 through 40A:4-36.

B. The governing body shall annually adopt a dedicated budget for the Solid Waste and Recycling Utility that covers any and all anticipated costs associated with the collection and disposal of eligible solid waste, including designated recyclable materials and related support services.

§ 61-5 Solid waste service charge.

There shall be raised by levying and collections, in accordance with rules, regulations and procedures promulgated by the Board of Commissioners of the City of Millville, a solid waste service charge, which shall be a fixed fee per dwelling unit based upon a rate or rates determined by the Board of Commissioners of the City of Millville to be sufficient to provide funds for the payment of the cost of collection and disposal of eligible solid waste, including designated recyclable materials, from the residences of the City of Millville, and related support services.

§ 61-6 Payment of solid waste service charge.

A. Property owners subject to municipal collection shall be billed in a like manner with other municipal utilities. Failure to make payment of a solid waste service charge shall be deemed a delinquency in a like manner with other municipal utilities. Any money collected pursuant to this article is to be used solely to provide for the support of the Solid Waste and Recycling Utility.

B. Any delinquent balance of amounts billed pursuant to this article shall be a lien upon the land against which they are billed in the same manner that taxes are made a lien against land pursuant to Title 54 of the Revised Statutes, and the payment thereof shall be enforced within the same time and in the same manner and by the same proceedings as the payment of taxes is otherwise enforced by the Division of Taxation under Title 54.

**ARTICLE III
Solid Waste and Recyclables Collection**

§ 61-7 Responsibility for solid waste and recyclable collection, removal and disposal.

A. Manner of collection, removal and disposal.

(1) Only those properties listed in § 61-3 are subject to municipal collection. The City shall provide 96- or 64-gallon totes for the collection of curbside designated solid waste and curbside designated recyclable materials, which shall be assigned to each residential unit entitled to municipal collection. The totes are and shall remain the property of the City. The City shall provide for the collection, removal and disposal of all curbside designated solid waste and curbside designated recyclable materials as defined herein. The City, in cooperation with the Cumberland County Improvement Authority, may provide for such collection, removal and disposal in the following manner:

- (a) Regularly scheduled curbside collection.
- (b) Intermittently scheduled curbside collection.
- (c) Permanently established drop-off locations.

(d) Intermittently scheduled drop-off locations.

(2) No electronic waste, including televisions, shall be disposed of at curbside.

B. The Director of Public Works may recommend rules and regulations pertaining to the collection, removal and disposal of solid waste, curbside designated solid waste materials, curbside designated recyclable materials and electronic waste to implement and to augment where necessary, the provisions of this chapter. The Board of Commissioners shall establish annually, or amend as needed, rules and regulations by resolution to implement and to augment, where necessary, the provisions of this chapter, including but not limited to the following:

(1) Delineation of collection districts.

(2) Identification of eligible curbside designated solid waste and curbside designated recyclable materials, manner of disposal and schedule for regularly scheduled curbside collection.

(3) Identification of eligible solid waste and electronic waste, manner of disposal and schedule for intermittently scheduled curbside collection.

(4) Identification of sites for eligible solid waste, including designated recyclable materials and electronic waste, manner of disposal, hours of operation and drop-off locations.

C. Properties not subject to municipal collection. For all properties not subject to municipal collection, private arrangements shall be made for the collection, removal and disposal of solid waste, including designated recyclable materials.

§ 61-8 Responsibility of solid waste and recyclable materials generator.

A. Any person as defined in Article I who generates electronic materials, solid waste and/or recyclable materials shall be responsible for the proper handling and disposal of such waste, including the proper separation, handling and disposal of said materials.

B. All solid waste, recyclable materials and electronic materials shall be maintained on-site of its generator and shall be regularly disposed of so as not to create a nuisance.

C. It shall be unlawful for any property owner to permit open or overflowing solid waste or recyclable materials containers to overflow on their property.

D. It shall be unlawful for any residential property owner or tenant to store household bulky waste in areas zoned residential, except in a fully enclosed structure.

E. It shall be unlawful for any person, as defined in Article I, to keep on streets, vacant lots or residential properties, except when properly supported (i.e., on blocks) and covered, any motor vehicle, trailer or semitrailer exhibiting any of the following:

(1) Is missing tires, wheels, engine or any essential parts.

(2) Displays extensive body damage or deterioration.

(3) Does not display a current, valid state license.

(4) Is wrecked, disassembled or partially disassembled.

F. For residential properties with more than 10 dwelling units and for commercial, industrial and institutional properties, it shall be the

responsibility of the property owner to furnish containers for and to properly dispose of eligible solid waste and recyclable materials.

G. Irrespective of any of the above, the property owner shall have ultimate responsibility for compliance with the provisions of this chapter.

§ 61-9 Approved containers.

A. Properties subject to municipal collection. For all properties subject to municipal collection, all curbside designated solid waste and curbside designated recyclable materials shall be placed in the City-provided ninety-six- or sixty-four-gallon totes as specified herein and shall not be placed in a manner that will impair or impede pedestrian or vehicular traffic.

B. Properties not subject to municipal collection. For all properties not subject to municipal collection, all solid waste, including designated recyclable materials, shall be placed in covered containers offering protection from weather (e.g., precipitation and wind) and vermin/animals (e.g. insects, rats, cats, dogs and birds), with the exception of commingled recyclable materials that can be placed in open containers. Containers shall also be of such design, or in the alternative be collected at frequent enough intervals, so as not to emit offensive odors.

§ 61-10 Placement of containers for collection.

A. Properties subject to municipal collection.

(1) Containers shall not be placed or maintained in any front yard, except at designated disposal times, as allowed for in this chapter.

(2) Containers shall be placed prior to collection between the curb and sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where they shall be readily accessible to the collector from the roadway.

(3) Containers shall not project into the roadway or sidewalk area so as to interfere with vehicular traffic or pedestrians lawfully using said roadway or sidewalk area.

(4) Containers shall be placed outside after 3:00 p.m. of the day immediately preceding the day of collection.

(5) After collection, any empty containers shall be removed promptly, but no later than 7:00 a.m. of the day after collection.

B. Properties not subject to municipal collection. All containers placed outdoors shall be placed within four-sided enclosures so that said containers are not visible from streets or adjoining properties. No enclosures shall be permitted within any front yard.

§ 61-11 Special provisions.

Construction demolition and yard waste. The provisions of this article shall not apply to and shall not include the collection of construction, demolition or yard waste from any properties subject to municipal collection. See Articles IX and X within this chapter regulating such types of waste.

**ARTICLE IV
Recycling**

§ 61-12 Mandatory source separation and exemption requirements.

A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential properties, including but not limited to commercial, industrial, governmental, educational and institutional locations within the City, (i.e.,

all properties subject to and not subject to municipal collection) to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such properties. For properties subject to municipal collection, designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be established by regulations promulgated by the City.

B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the Board of Commissioners may exempt persons occupying properties not subject to municipal collection, including but not limited to commercial, industrial or institutional premises within the City, from the source separation requirements of this chapter that require persons generating municipal solid waste within the City to source separate from the municipal solid waste stream the specified recyclable materials, if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a property not subject to municipal collection, including but not limited to a commercial, industrial or institutional generator of solid waste, shall file an application for exemption with the Municipal Recycling Coordinator on a form to be provided for this purpose. The form shall include, at a minimum, the following information:

- (1) The name of the entity not subject to municipal collection.
- (2) The street address and block and lot designation of the entity not subject to municipal collection.
- (3) The name, official title and phone number of the person making application on behalf of the entity not subject to municipal collection.
- (4) The name, address, official contact person and telephone number of the facility that provides recycling services for designated recyclable materials.
- (5) A certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider for the generator not subject to municipal collection shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated recyclable material.

§ 61-13 Residential property compliance requirements.

The owner of any residential property shall be responsible for compliance with this chapter. For multifamily properties, the owner or management is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the City. Violations and penalty notices will be directed to the owner or management in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

§ 61-14 Nonresidential property compliance requirements.

A. All commercial, industrial and institutional (i.e., nonresidential) generators of solid waste shall be required to comply with the provision of this chapter.

B. The arrangement for collection of designated recyclable materials hereunder shall be the responsibility of the commercial, industrial or institutional (i.e., nonresidential) property owner or their designee, unless the City provides for the collection of designated recyclable materials.

C. Every commercial, industrial or institutional (i.e., nonresidential) facility shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

D. All food-service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

§ 61-15 New developments of multifamily properties or commercial, industrial or institutional (i.e., nonresidential) properties.

Pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16c:

A. Any application to the Planning Board or Zoning Board of Adjustment for subdivision or site plan approval for the development of a multifamily property with three or more dwelling units, a single-family development of 50 or more dwelling units or any commercial, industrial or institutional (i.e., nonresidential) property for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

(1) A detailed analysis of the expected composition and amounts of solid waste and recyclable materials generated at the proposed development.

(2) Locations, documented on the application's subdivision or site plan, that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

B. Prior to issuance of a certificate of occupancy, the owner of any new multifamily property or commercial, industrial or institutional (i.e., nonresidential) property must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the City does not otherwise provide the service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the City Engineer.

§ 61-16 Marketing of recyclable materials by generator.

Nothing in this article precludes any generator of solid waste from source separating recyclable materials from their waste stream and marketing those materials at approved recycling facilities.

**ARTICLE V
Transportation of Solid Waste**

§ 61-17 Permit required to transport solid waste.

No person, as defined in Article I, shall provide commercial transport of solid waste, including recyclable materials, through the streets or public places of the City without the written authorization of a New Jersey Department of Environmental Protection, Division of Solid Waste permit, and when such permit is granted, it shall be upon the condition that the same shall be transported in vehicles or receptacles that shall be covered and watertight so that no odor or liquid shall escape therefrom.

§ 61-18 Prohibition of collection of solid waste mixed with recyclable materials.

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It shall also be unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste that visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this chapter and the local sanitary code.

C. Once placed for collection in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the City, shall tamper with, collect, remove, or otherwise handle eligible solid waste or designated recyclable materials. Any such action in violation hereof from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE VI

Improper Solid Waste and/or Recycling Disposal

§ 61-19 Public obligation.

A. No person shall throw, lay, deposit, place, leave, sweep, dump or cause to be carried by the elements (i.e., wind and water), in or upon any portion of any street, avenue, roadway, sidewalk or public thoroughfare, including in any gutters; or in or upon any publicly or privately owned property; or in or upon any stream, river, pond, lake or other surface water, any solid waste or litter of any kind whatsoever, other than in a litter receptacle or container provided for such purpose. Where litter receptacles are not provided, all such litter shall be carried and properly disposed of elsewhere by the persons responsible for its generation.

B. Persons placing litter in litter receptacles shall do so in a manner so as to prevent it from being carried or deposited by the elements (i.e., wind and water).

C. No person, while a driver or a passenger in a vehicle, shall discard litter, other than in a litter receptacle or container provided for such purpose.

§ 61-20 Property owner obligation.

A. It shall be the obligation of all property owners, or tenants where applicable (e.g., merchants), situate in the City to keep and maintain their respective properties, including but not limited to all walkways, driveways, parking areas and landscaped areas, free from litter. Such owners, or tenants where applicable (e.g., merchants), shall also keep and maintain the sidewalks, gutters and alleys abutting their properties free from litter at all times.

B. No person shall sweep into or deposit in any street, avenue, roadway, sidewalk or public thoroughfare, including gutters, or in any other public place, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

ARTICLE VII

Enforcement

§ 61-21 Power to enforce provisions.

The Department of Public Works and the Police Department are hereby empowered to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

§ 61-22 Warning stickers; inspection.

The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of sorting through containers and dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of designated recyclable materials.

**ARTICLE VIII
Penalties**

§ 61-23 Violations and penalties.

A. Any person, as defined in Article I of this chapter, that violates or fails to comply with any provision of this chapter, or any of the rules and regulations promulgated hereunder, upon conviction thereof, shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty. Each day for which a violation of this chapter occurs shall be considered a separate offence. In addition, any person convicted of a violation of this chapter shall pay all expenses that may have been incurred by the City in the enforcement of this chapter.

B. Further, any person, firm or legal entity defacing the City-owned totes shall be charged with a criminal violation of the Criminal Code of the State of New Jersey for vandalizing public property. Any person, firm or legal entity removing a City-owned tote from an assigned property shall be charged with a criminal violation of the Criminal Code of the State of New Jersey for theft of City-owned property. Among other relief, the City shall seek restitution, which shall include the cost to replace and/or repair the tote as well as the cost of any administration.

§ 61-24 Municipal Recycling Trust Fund.

Fines levied and collected pursuant to the recycling provisions of this chapter shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used only for the expenses of the City's recycling program.

§ 61-25 to 29 (Reserved).

**ARTICLE IX
Debris from Construction, Renovation and Demolition**

§ 62-30 Statutory authority

A. Pursuant to N.J.S.A. 40:48-2, the Legislature of the State of New Jersey authorized municipalities to adopt laws, that are not contrary to the laws of the state or the United States, that it deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

B. The Solid Waste Management Act was made effective May 6, 1970. The purpose of the Act was to establish a framework for the coordination of solid waste collection, disposal and utilization within the state. Pursuant to the Act, solid waste management plans were adopted by each county and approved by the Commissioner of the Department of Environmental Protection.

§ 62-31 Purpose and scope.

A. The governing body of the municipality finds that the orderly collection, disposal and utilization of solid waste is a matter of important public concern to all residents living within the municipality. The efficient collection and disposal of solid waste protects the public health, safety and welfare. The efficient utilization of such waste is also in the public interest.

B. The terms and provisions of this article are to be liberally interpreted so as best to achieve the purposes set forth herein. This article shall be interpreted in harmony with the Solid Waste Management Act and the current Cumberland County Solid Waste Management Plan.

§ 62-32 Enforcing authority.

A. The Director of the Department of Public Works is hereby authorized to promulgate rules for the enforcement of this article.

B. The Municipal Recycling Coordinator is primarily responsible for the enforcement of these regulations. However, the Director of Public Works is authorized to designate such other municipal employees as may be necessary to assist in the enforcement of the rules and regulations.

§ 62-33 Definitions.

As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

COVERED PROJECT- A construction, renovation, or demolition project for which a building permit or a demolition permit is required, and for which a dumpster or roll-off container shall be placed on the premises for the purpose of placement of the debris.

DEBRIS- The remains, rubble or solid waste material from a covered project. This includes, but is not limited to, asphalt, brick, concrete, scrap metal, tree stumps and trees.

PERSON- Any individual, firm, partnership, corporation, association, cooperative, enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty, or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

§ 62-34 Debris recovery plan.

Any person pursuing a covered project shall file a debris recovery plan with the Municipal Recycling Coordinator prior to the commencement of the covered project. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the person will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

§ 62-35 Review of debris recovery plan.

A. Approval. A debris recovery plan shall be reviewed by the Municipal Recycling Coordinator and approved if it provides all of the information required by these regulations. An approved debris recovery plan shall be marked "Approved" and returned to the person who submitted the plan.

B. Denial. A debris recovery plan shall not be approved if it does not provide all of the information required by these regulations. If a debris recovery plan is not approved, the person who submitted the plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the person who will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the Municipal Recycling Coordinator.

§ 62-36 Diversion requirement adjustment.

A. Application. If the person carrying out a covered project experiences circumstances that make it infeasible to comply with the diversion requirement set forth in these regulations, the person may apply for an adjustment. The person shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the person carrying out the covered project will not be an acceptable justification for an adjustment.

B. Review. The Municipal Recycling Coordinator shall review the information supplied by the person. If warranted the Municipal Recycling Coordinator shall attempt to contact the person to discuss possible ways of meeting the diversion requirement.

C. Granting of an adjustment. If the Municipal Recycling Coordinator determines that it is infeasible for the person carrying out a covered project to divert 50% of the generated construction and demolition debris from the covered project, the percentage of diversion required shall be adjusted. The Recycling Coordinator shall notify in writing the person carrying out the covered project of the adjusted diversion requirement, and the person shall be required to divert the percentage of construction and demolition debris required by the adjustment.

D. Denial of adjustment. If the Municipal Recycling Coordinator determines that it is feasible for the person carrying out a covered project to meet the diversion requirement set forth in these regulations, the Recycling Coordinator shall notify the person in writing of the denial of the diversion requirement adjustment.

E. Appeal. The person carrying out the covered project may appeal to the Commissioner in charge of the Streets and Roads Department within 30 days of the decision made by the Municipal Recycling Coordinator. The appeal shall be made in writing and shall set forth all of the facts and basis for the appeal. A decision by the Commissioner shall be made within 10 days and shall be final.

§ 62-37 Debris recovery plan reporting requirements.

A. Documentation. Upon completion of the covered project, but before the final inspection, the person carrying out a covered project shall submit in person or by certified mail to the Municipal Recycling Coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

(1) A completed debris recovery report, signed by the person carrying out a covered project, indicating the quantity of each material generated during the covered project and the quantity diverted or disposed;

(2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project; and

(3) Any additional information that the person carrying out the covered project believes is relevant to determining compliance with the diversion requirements.

§ 62-38 Compliance with diversion requirement.

The Municipal Recycling Coordinator shall review the information submitted pursuant to these regulations and determine whether the person carrying out the covered project has complied with or failed to comply with the diversion requirement. The Recycling Coordinator shall provide in writing the determination regarding compliance to the person carrying out the covered project.

§ 62-39 Violations and penalties.

Any person who violates the provisions of this article shall be subject to a penalty of not less than \$250 nor more than \$1,000 for each offense. If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

§ 62-40 to 49 (Reserved)

**ARTICLE X
Yard Waste**

§ 62-50 Statutory authority.

A. Pursuant to N.J.S.A. 40:48-2, the Legislature of the State of New Jersey authorized municipalities to adopt laws, that are not contrary to the laws of the state or the United States, that it deems necessary and proper for the good government, order and protection of persons and property, and for the preservation of public health, safety and welfare of the municipality and its inhabitants.

B. The Solid Waste Management Act was made effective on May 6, 1970 (N.J.S.A. 13:1E-1 et seq.). The purpose of the Act was to establish a framework for the coordination of solid waste collection, disposal and utilization activity within the state.

§ 62-51 Purpose and scope.

A. The governing body of the municipality finds that the orderly collection, disposal and utilization of yard waste is a matter of important public concern to all residents living within the municipality. The efficient source separation, collection and disposal of yard waste aids in the control of pollution and protects the public health, safety and welfare.

B. The terms and provisions of this article are to be liberally interpreted so as best to achieve the purposes set forth herein. This article shall be interpreted in harmony with the Solid Waste Management Act and the current Cumberland County Solid Waste Management Plan.

§ 62-52 Enforcing authority.

A. The Director of Public Works is hereby authorized to promulgate rules for the enforcement of this article.

B. The Municipal Recycling Coordinator is primarily responsible for the enforcement of these regulations. However, the Director of Public Works is authorized to designate such other municipal employees as may be necessary to assist in the enforcement of the rules and regulations.

§ 62-53 Mandatory source separation.

A. Residential dwellings. It shall be mandatory for all persons who are owners, tenants or occupants of residential dwellings within the municipality to separate yard waste from other solid waste. Designated yard waste shall be placed separately at the curbside in a manner and on such days and times as may be established by the municipality.

B. Multifamily dwellings. It shall be mandatory for all persons who manage or own multifamily dwellings within the municipality to separate designated yard waste from other solid waste. Designated yard waste shall be placed separately at the curbside in a manner and on such days and times as may be established by the municipality. If this is not practical, then the management or owner shall provide for the proper source separation, collection and recycling of yard waste.

C. Nonresidential establishments. Nonresidential establishments include commercial, industrial and institutional generators of yard waste. It shall be mandatory for all persons who own or operate nonresidential establishments within the municipality to separate yard waste from other solid waste. Designated yard waste shall be separated, collected and recycled by the owner or operator or their designee.

§ 62-54 Curbside collection of yard waste.

A. There is hereby established within the municipality a curbside program for the collection of designated yard waste. This program is for residential customers residing within the municipality whose yard waste is collected at the curbside by the municipality.

B. The collection of grass clippings, leaves and trimmings from small bushes and plants shall be made once every week for each customer. Collection shall occur in accordance with a schedule established by the Director of the Streets and Roads Department. This type of yard waste shall be containerized in plastic bags and placed at the curbside for collection by the municipality.

C. Loose brush, which shall include branches, tree limbs, trunks, sticks and other vegetation no larger than 12 inches in diameter and no longer than six feet in length, but shall not include stumps, will be collected by the municipality two times per year, in accordance with a schedule established by the Director of the Streets and Roads Department. Collection will take place on a variable schedule that follows a systematic route that encompasses the entire municipality. This route will then be repeated on a regularly recurring basis so that the entire municipality is covered each time. The specific locations and times for loose brush pickup will vary depending upon the volume of loose brush encountered and the workload requirements of municipal employees.

D. The municipality will designate a month in the spring and two months in the fall each calendar year for the general cleanup of yard waste. During these periods, yard waste may be placed at the curbside without being containerized.

E. It shall be unlawful for any person to place yard waste at the curbside for collection containing brush, tree limbs, tree stumps or trunks that are larger than 12 inches in diameter and longer than six feet in length.

F. It shall be unlawful for any person to place containerized yard waste at the curbside for collection more than 12 hours in advance of the day designated for collection by the municipality.

G. It shall be unlawful for any person to leave containerized yard waste at the curbside more than 12 hours after the day designated for collection by the municipality.

H. It shall be unlawful for any person to commingle yard waste with other types of solid waste and place it at the curbside for collection by the municipality.

§ 62-55 Residential dwelling compliance requirements.

A. The owner, occupant or tenant of any residential dwelling shall comply with the rules and regulations established by the municipality.

B. For multifamily dwellings, the management or owner is responsible for setting up and maintaining the recycling system for yard waste, including the proper separation, collection and recycling of yard waste in accordance with the rules and regulations established by the municipality. Violation and penalty notices will be directed to the owner or management in those instances when the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

§ 62-56 Nonresidential establishment compliance requirements.

A. Nonresidential establishments include commercial, industrial and institutional generators of yard waste. Any person who owns or operates a nonresidential establishment shall comply with the rules and regulations established by the municipality.

B. Any person who owns or operates a nonresidential establishment that generates yard waste shall arrange for the proper separation, collection and recycling of the yard waste.

C. Any person who owns or operates a nonresidential establishment that generates yard waste shall report on an annual basis to the Municipal Recycling Coordinator on recycling activities involving yard waste at their premises. The forms shall be prescribed by the Municipal Recycling Coordinator and shall include the amount of yard waste by type collected and recycled, and the vendor or vendors providing the recycling service.

§ 62-57 Pollution control.

A. It shall be unlawful for any person to blow, rake, sweep or otherwise place loose yard waste closer than 10 feet to any storm drain inlet.

B. It shall be unlawful for any person to blow, rake, sweep or otherwise place loose yard waste at the curbside for collection by the municipality, which is at a location or time not authorized by the municipality.

C. It shall be unlawful for any person to commingle yard waste with other solid waste and place it at the curbside for collection by the municipality.

D. It shall be unlawful for any person to commingle grass clippings, leaves and trimmings from small bushes and plants with other yard waste and place it at the curbside for collection by the municipality.

§ 62-58 Violations and penalties.

Any person who violates the provisions of this article shall be subject to a penalty of not less than \$250 nor more than \$1,000 for each offense. If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate and distinct offense.

Section Two

Should any provisions of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

Section Three

This ordinance shall take effect twenty (20) days after final passage, according to law.

FIRST READING: November 21, 2023

Moved By: Watson
Seconded By: Romanik

VOTING	In Favor	Against	Abstain	Absent
Lisa M. Orndorf	X			
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

SECOND READING: December 5, 2023

Moved By: Watson
Seconded By: Romanik

VOTING	In Favor	Against	Abstain	Absent
Lisa M. Orndorf	X			
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

CERTIFICATION

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on December 5, 2023.


Jeanne M. Parkinson, City Clerk

PROCEDURE

Approved on First Reading:	November 21, 2023
Published:	November 25, 2023
Approved on Second Reading:	December 5, 2023
Published:	December 9, 2023
Effective Date:	December 29, 2023